STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
14 REILLY ROAD
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

FACT SHEET

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TREATED WASTEWATER
INTO WATERS OF THE COMMONWEALTH

KPDES No.: KY0107425 **Permit Writer:** Ronnie Thompson **Date:** September 8, 2008
AI No.: 83159

1. **SYNOPSIS OF APPLICATION**

a. Name and Address of Applicant

McCreary County Park Board
P.O. Box 425
Stearns, Kentucky 42647

b. Facility Location

McCreary County Park
2255 North U.S. Highway 27
Whitley City, McCreary County, Kentucky

c. Description of Applicant's Operation

Construction activities associated with the development of a new public park. The park will include ball fields and will be a future fairgrounds site and the future site for a community center building (SIC Code 1794).

d. Production Capacity of Facility

N/A

e. Description of Existing Pollution Abatement Facilities

Storm water runoff from the construction site is managed using rock check dams, silt fence, sediment basins, diversion ditches, erosion control blankets and grass seeding.

f. Permitting Action

First issuance of a minor KPDES permit for an existing construction activity.

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2. RECEIVING WATERS

a. Receiving Water Name

Runoff from the construction site enters Barren Fork of Indian Creek at mile point 5.8 through an East side tributary and a West side tributary.

b. Stream Segment Use Designations

Barren Fork of Indian Creek is designated as Warm Water Aquatic Habitat, Primary/Secondary Contact Recreation, Outstanding State Resource Water and Domestic Water Supply. Information provided by the United States Fish and Wildlife Service indicates the presence of the federally listed threatened species *Phoxinus cumberlandensis*, Cumberland Blacksided Dace, within the Barren Fork watershed. Pursuant to 401 KAR 5:031, Section 8(1)(a)4 waters that support such a species shall automatically be included as an Outstanding State Resource Water. The Division of Water is currently amending 401 KAR 5:026, Section 5 to include this use for Barren Fork.

c. Stream Segment Antidegradation Categorization

Barren Fork of Indian Creek is categorized as a High Quality Water pursuant to 401 KAR 5:030, Section 1(3)(a)1.

d. Stream Low Flow Condition

N/A

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3. PROPOSED PERMIT REQUIREMENTS

At all times the permittee shall minimize disturbance and the time the disturbed area is exposed without initiation of stabilization practices. Final stabilization practices on those portions of the project that construction activities have permanently ceased shall be initiated within 14 days of cessation. Temporary stabilization shall be initiated within 14 days on any portion of the project that construction activities have been suspended for more than 30 days. Should suspension of construction activities exceed 180 days, final stabilization shall be initiated within 14 days.

The permittee shall have developed and implemented a Storm Water Pollution Plan (SWPPP) prior to the recommencement of activities. The SWPPP shall include all necessary Best Management Practices (BMPs) to minimize deposition of sediment into waters of the Commonwealth which would result in those waters being degraded or non-supportive of their designated uses. These BMPs shall be properly installed and maintained to effectively minimize such deposition.`

The permittee shall maintain a 25-foot buffer zone between any disturbance and the riparian zone of the water body. Pursuant to the submission of a successful alternatives analysis and socioeconomic demonstration (Form HQAA) the 25 foot buffer zone shall not apply to those areas of the project that have received and is in compliance with the 401 Water Quality Certification and Section 404 permit from the United States Corps of Engineers.

It is the “Best Professional Judgment” (BPJ) of the Kentucky Division of Water (KYDOW) that implementation of the aforementioned requirements is equivalent to the non-numeric technology based standards of “Best Practicable Technology Currently Available” (BPT), “Best Available Technology Economically Achievable” (BAT), and “Best Conventional Pollutant Control Technology” (BCT) once these requirements are developed by EPA. In regards to water quality standards, it is the BPJ of the KYDOW that implementation of BMPs and the buffer zones required above should be sufficient to minimize excursions of the KYDOW water quality standards.

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4. PROPOSED STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

The SWPPP shall contain: (1) A site description that identifies sources of pollution to storm water discharges associated with industrial activity on site; and (2) a description of storm water control measures used at the site to reduce pollutants in storm water discharges to ensure compliance with the terms and conditions of this permit. All storm water controls shall be developed and implemented in accordance with sound engineering practices and shall be developed specific to the site. The original and modifications to the SWPPP shall be prepared and certified by a Kentucky Registered Professional Engineer.

Site Description

The SWPPP shall be based on an accurate assessment of the potential for generating and discharging pollutants from the site. Hence, the permit requires a description of the site and intended construction activities in the SWPPP (to provide a better understanding of site runoff characteristics). At a minimum, the SWPPP shall describe the nature of the construction activity, including:

The function of the project (e.g., box store, strip mall, shopping mall, school, electrical transmission line, oil and natural gas pipeline, factory, industrial park, etc.);

The intended significant activities, presented sequentially, that disturb soil over major portions of the site (e.g., grubbing, excavation, grading); and
Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities, including off-site borrow/fill areas. It may be preferable to separately describe portions of the site, as they are disturbed at different stages of the construction process.

Legible Site Map

The SWPPP shall contain a legible site map indicating: (1) Anticipated drainage patterns and slopes after major grading activities; (2) areas of soil disturbance and areas that will not be disturbed; (3) locations of major structural and nonstructural controls identified in the plan; (4) locations of planned stabilization measures; (5) off-site locations of equipment storage, material storage, waste storage and borrow/fill areas; (6) locations of surface waters (including wetlands); and (7) locations of discharge points to surface waters; and (8) if applicable, locations where final stabilization has been accomplished and no further construction-phase permit requirements apply. Site maps should also include other major features and potential pollutant sources, such as locations of impervious structures and soil storage piles.

Other Industrial Activities

The SWPPP shall provide a description of any discharge associated with industrial activity other than construction (including storm water discharges from dedicated asphalt plants, concrete plants, etc.) and the location of that activity on the construction site.

Pollution Prevention Plan Contents: Documentation of Storm Water Controls to Reduce Pollutants

The SWPPP shall:

Include documentation of the storm water control practices that will be implemented to reduce the pollutants in storm water discharges from the site and assure compliance with the conditions of the permit.

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4. **PROPOSED STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS - continued**

Pollution Prevention Plan Contents: Documentation of Storm Water Controls to Reduce Pollutants - continued

Describe the intended sequence of major storm water controls and when, in relation to the construction process, they will be implemented. KYDOW recognizes that many factors can impact the actual construction schedule, so the permittee need not include specific dates (e.g. plan could say install silt fence for area "A" before rough grading, rather than put up silt fences on August 15). Good site planning and preservation of mature vegetation are imperative for controlling pollution in storm water discharges both during and after construction activities. Properly staging major earth disturbing activities can also dramatically decrease the costs of sediment and erosion controls.

Include a description of interim and permanent stabilization practices, including a schedule of their implementation. The permittee should ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized as quickly as practicable. Stabilization practices include seeding of temporary vegetation, seeding of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, preservation of trees and mature vegetative buffer strips, and other appropriate measures. Temporary stabilization can be the single most important factor in reducing erosion at construction sites. Stabilization also involves preserving and protecting selected trees on the site prior to development. Mature trees have extensive canopy and root systems, which help to hold soil in place. Shade trees also keep soil from drying rapidly and becoming susceptible to erosion. Measures taken to protect trees can vary significantly, from simple ones such as installing tree armoring and fencing around the drip line, to more complex measures such as building retaining walls and tree wells.

Require that specific construction dates be documented and maintained as a way for the construction operator as well as KYDOW to determine applicability and implementation status of SWPPP requirements. Important dates include when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated.

Include a description of structures built to divert flows from exposed soils, and store or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Structural controls may be necessary because vegetative controls cannot be employed where soil is continually disturbed and because of the lag time before vegetation becomes effective. Options for such controls include silt fences, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, and reinforced soil retaining systems, gabions and temporary or permanent sediment basins. Placement of structural controls in flood plains should be avoided.

Include a description of the installation of any post-construction storm water management measures. Permittees are responsible only for the installation and maintenance of storm water management measures until final stabilization of the site.

4. **PROPOSED STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS - continued**

Describe practices employed to reduce pollutants from construction-related materials which are stored on site, including a description of said construction materials (with updates as appropriate) including descriptions of pollutant sources from areas untouched by construction and a description of storm water controls that will be implemented in those areas.

Include manufacturer's specifications for the installation, operation and maintenance of all prefabricated BMP components, e.g. fabric silt fence.

Non-Storm water Discharge Management

The SWPPP shall identify appropriate pollution prevention measures for each of the eligible non-storm water components of the discharge covered by this permit when combined with storm water discharges associated with construction activity. The following are non-storm water discharges associated with construction activities that are authorized under this permit.

Discharges from fire-fighting activities;
Fire hydrant flushing;
Waters used for vehicle washing where detergents are not used;
Water used for dust control;
Potable water including uncontaminated water line flushing;
Routine external building wash down that does not use detergents;
Pavement wash waters where spills or leaks or toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
Landscape irrigation;
Clean, non-turbid well-point discharges of groundwater; and
Construction dewatering provided the requirements of this permit are met.

Maintenance of Storm water Controls

BMPs can become ineffective if they are damaged or not properly maintained and are required to be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance shall be performed before the next storm event. If maintenance before the next storm event is impracticable, maintenance shall be completed as soon as possible. This includes the removal of any accumulated silt from sediment control devices.

Inspections

Permittees shall inspect designated areas on the site regularly. For purposes of this part, KYDOW defines "regularly" to mean either (1) at least once every 7 calendar days or (2) at least once every 14 calendar days and within 24 hours after any storm event of 0.5 inches or greater. KYDOW also recommends that permittees perform a "walk through" inspection of the construction site before anticipated storm events. For sites that have undergone stabilization, (temporary or final) inspections shall be conducted at least once a month. Inspections shall be performed by qualified personnel knowledgeable and possess the skills to assess conditions at the construction site that could impact storm water quality and assess the effectiveness of BMPs chosen to control the

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4. **PROPOSED STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS - continued**

Inspections – continued

Visual inspections shall comprise, at a minimum: disturbed areas, areas used for storage of materials exposed to precipitation, BMPs and points of site egress. Where accessible, discharge points shall be inspected to ascertain whether BMPs are effective in the minimization of impacts to waters of the Commonwealth. This can be done by inspecting the waters for evidence of erosion or sediment introduction. If discharge points are inaccessible, then nearby downstream locations shall be inspected, if practicable. Inspectors shall determine whether BMPs are effective in the minimization of impacts to the receiving water and look for evidence of or the potential for pollutants entering the drainage system. Once an inspection has been performed, a report shall be prepared and retained with the SWPPP.
The report should include:

The inspection date;
Name, title, and qualifications of personnel conducting the inspection; Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection performed) including a best estimate of the beginning of each storm event, the duration of each storm event, and the approximate amount of rainfall for each storm event (in inches);
Weather information and a description of any discharges occurring at the time of the inspection;
Location(s) of discharges of sediment or other pollutants from the site;
Location(s) of BMPs that need to be maintained;
Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and
Location(s) where additional BMPs are needed that did not exist at the time of the inspection.

The report shall also identify any actions taken and shall identify any incidents of non-compliance with permit conditions. If no incidents of non-compliance were found, the report shall contain a certification that the site is in compliance with the permit. Finally, the report shall be signed in accordance with the signatory requirements in 401 KAR 5:065, Section 1(11).

Maintaining an Updated Plan

Storm water pollution prevention plans shall be revised whenever storm water controls are modified in response to a change in design, construction method, operation, maintenance procedure, etc., that may cause a significant effect on the discharge of pollutants to surface waters or municipal separate storm sewer systems. The plan shall also be amended if inspections or investigations by site staff or by local, state, or federal officials determine that the existing storm water controls are ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site. Also, if an inspection reveals inadequacies, the site description and storm water control measures identified in the SWPPP shall be revised. All necessary modifications to the SWPPP shall be made within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, this situation should be documented in the SWPPP and the changes shall be implemented as soon as practicable.

4. **PROPOSED STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS - continued**

Signature, Plan Review, and Making Plans Available

A copy of the SWPPP shall be kept at the construction site from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over the plan's implementation shall keep a copy of the plan readily available whenever they are on site (a central location accessible by all on-site operators is sufficient). If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location shall be posted near the main entrance at the construction site. A copy of the SWPPP shall be readily available to authorized inspectors during normal business hours. Permittees shall make SWPPPs available, upon request, to KYDOW, federal, or local agencies approving sediment and erosion plans, grading plans or storm water management plans; local government officials; the operator of a MS4 receiving discharges from the site; and representatives of the FWS or the NMFS. Also, the operator shall make SWPPPs available to KYDOW or its authorized representative for review and copying during any on-site inspection. The SWPPP shall be signed and certified in accordance with the signatory requirements in 401 KAR 5:065, Section 1(11).

Management Practices

Control measures shall be properly selected and installed in accordance with sound engineering practices and relevant manufacturers' specifications.

Off-site accumulations of sediment shall be regularly removed to minimize impact.

Litter, construction debris, and construction chemicals shall be prevented from entering receiving water.

It is imperative that stabilization be employed as soon as practicable in critical areas. Stabilization measures shall be instituted on disturbed areas as soon as practicable, but no more than 14 days after construction activity has temporarily or permanently ceased on any portion of the site except when construction activities will recommence within 14 days or stabilization is precluded by inclement weather, in such cases stabilization shall begin as soon as practicable.

Enhanced Controls Section of the SWPPP

The SWPPP shall contain a specific section describing what enhanced controls have been implemented. Barren Fork's stream segment use designation includes a proposal for Outstanding State Resource Water. Enhanced controls are required to adequately minimize any degradation of these types of waters.

Stream Characteristics Data Sheets

The permittee shall establish background conditions of each water body that receives storm water runoff from the construction activity (e.g., the East side tributary and the West side tributary) shall be characterized by data collection at a minimum of three locations prior to recommencement of activities. At each location, a Stream Characteristics Data Sheet shall be completed. Photographs of the receiving stream at each location shall be provided. At least three photographs per location shall be provide, one of the site, one looking downstream, and one looking upstream.

5. **ANTIDEGRADATION**

The conditions of 401 KAR 5:029, Section 1 have been satisfied by this permit action. This permit action involves the first issuance of a new permit. The activity controlled by this permit discharges storm water runoff related to construction activities. The primary pollutant from such activities is sedimentation, i.e. settleable solids and total suspended solids. Neither of these pollutants have a numerical water quality standard. The implementation methodology of 401 KAR 5:030, Section 1 requires the halving of water quality based effluent limitations. Without a numerical standard to halve, the application of the implementation requires of 401 KAR 5:030, Section 1 is not possible. However, the absence of numerical standards does not preclude the DOW from conducting an antidegradation review and implementation of requirements that are necessary to protect existing water quality. This permit will meet the requirements of intergovernmental coordination in the Cabinet's public participation process. The Cabinet finds that the lowering of water quality in this stream accommodates important economic and social development in the area in which these waters are located. This finding is based on the information submitted by the permittee in the form of an alternatives analysis and socioeconomic demonstration. Further review under 401 KAR 5:030 Section 1 is not applicable.

6. **PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS**

Permittee shall comply with the effluent limitations by the effective date of the permit.

7. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

In-stream Treatment or Disposal Facilities

This permit does not authorize the construction or use of in-stream treatment or disposal facilities (rock checks, sediment ponds, hollow fills, valley fills, etc.). Such authorization is within the jurisdiction of the Corps of Engineers (COE) and is implemented through the Section 404 permitting program of the Clean Water Act. Since the COE is a federal agency, this permitting action requires the issuance of a Section 401 Water Quality Certification by the KYDOW. This certification shall be obtained on a site-specific basis as the Division of Water does not recognize the COE Nationwide Permits for areas that impact more than 200 linear feet of stream or one (1) acre of wetlands. The conditions of this certification are to be incorporated into the Best Management Practices (BMP) Plan.

KYDOW Compliance Inspection Criteria for Evaluation of BMPs and SWPPP

The following criteria shall be utilized by KYDOW personnel in evaluating the pollution control measures employed by the permittee. Should any of these conditions exist then the permittee shall reevaluate the installed BMPs and the SWPPP and submit to KYDOW a revised SWPPP documenting the reevaluation and measures taken to alleviate the condition.

If the settleable solids content at any point source or non-point source, from the construction activity is greater than of 0.5 ml/l KYDOW shall consider the BMPs and SWPPP to be ineffective.

If the selected BMPs have been installed in accordance with the manufacturer's specifications. KYDOW personnel shall utilize the information contained in the SWPPP regarding the proper installation of BMPs. If the SWPPP does not contain such information then the installed BMPs and SWPPP shall be considered ineffective.

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7. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE - continued**

KYDOW Compliance Inspection Criteria for Evaluation of BMPs and SWPPP
In regards to proper maintenance, if the capacity of installed sediment controls have been reduced by 50 percent, e.g. the height of the accumulated silt retained by a silt fence exceeds 50 percent of the height of the above ground silt fence, KYDOW shall consider the BMPs improperly maintained and ineffective.

The installed BMPs and SWPPP shall be considered ineffective if degradation of the conditions documented on the Stream Characteristics Data Sheet has occurred.

8. **PERMIT DURATION**

Five (5) years. This facility is in the Tennessee/Mississippi/Cumberland Basin Management Unit as per the Kentucky Watershed Management Framework.

9. **PERMIT INFORMATION**

The application, draft permit fact sheet, public notice, comments received, and additional information is available by writing the Division of Water at 14 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

10. **REFERENCES AND CITED DOCUMENTS**

All material and documents referenced or cited in this fact sheet are parts of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

11. **CONTACT**

For further information, contact the individual identified on the Public Notice or the Permit Writer – Ronnie Thompson at (502) 564-8158, extension 423 or e-mail Ronnie.Thompson@ky.gov.

12. **PUBLIC NOTICE INFORMATION**

Please refer to the attached Public Notice for details regarding the procedures for a final permit decision, deadline for comments, and other information required by 401 KAR 5:075, Section 4(2)(e).

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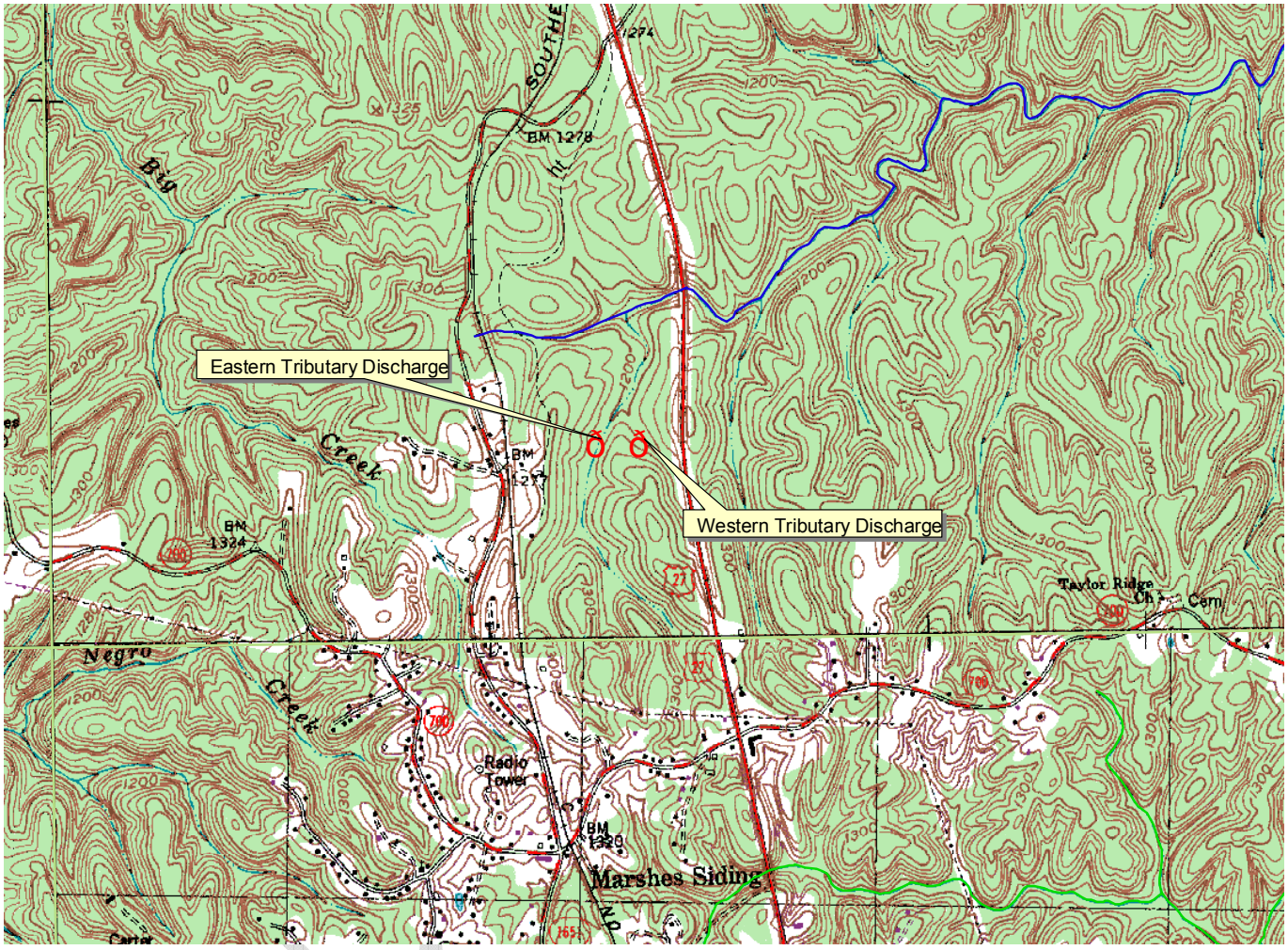
McCreary County Park Construction Site



Stream Characteristics Data Sheet

STREAM NAME:		**LOCATION:**	
STATION:	**MILE POINT:**	**Basin/Watershed:**	
LATITUDE:	**LONGITUDE:**	**County:**	**TOPO MAP:**
DATE:	**TIME:** ☐ **AM** ☐ **PM**	**Investigators:**	

WEATHER:

Now	Past 24Hours		
☐	☐	Heavy Rain	Has there been a heavy rain in the last 7 days? ☐ Yes ☐ No
☐	☐	Steady Rain	Air Temperature °C
☐	☐	Intermittent Showers	Rainfall in past 24 hours inches
☐	☐	Clear/sunny	Cloud Cover %

P-Chem Features: Temperature °C pH Standard Units Specific Conductance mho/cm

INSTREAM WATERSHED FEATURES:

Stream width: _____ ft
Range of depth: _____ ft
Average Velocity: _____ ft/s
Discharge: _____ cfs
Estimated Reach Length: _____ ft

Hydraulic Structures:

☐ Dams ☐ Bridge Abutments
☐ Island ☐ Waterfalls
☐ Other

Channel Alterations:

☐ Dredging
☐ Channelization ☐ Full ☐ Partial

Stream Flow:

☐ Dry ☐ Pooled ☐ Low ☐ Normal
☐ High ☐ Very Rapid or Torrential

Stream Type:

☐ Perennial ☐ Intermittent
☐ Ephemeral ☐ Seep

LOCAL WATERSHED FEATURES:

Predominant Surrounding Land Use

☐ Surface Mining ☐ Construction ☐ Forest
☐ Deep Mining ☐ Commercial ☐ Pasture/ Grazing
☐ Oil Wells ☐ Industrial ☐ Silviculture
☐ Land Disposal ☐ Row Crops ☐ Urban Runoff/ Storm Sewers

Riparian Vegetation:

Dominate Type

☐ Trees ☐ Shrubs
☐ Grasses ☐ Herbaceous

Dom. Tree/Shrub Taxa
_____ _____

Number of strata ____

Canopy Cover:

☐ Fully Exposed (0 – 25%)
☐ Partially Exposed (25 – 50%)
☐ Partially Shaded (50 – 75%)
☐ Fully Shaded (75 – 100%)

Substrate (Estimated)	Riffle %	Run %	Pool %
Silt/Clay (<0.06 mm)			
Sand (0.06 – 2 mm)			
Gravel (2 – 64 mm)			
Cobble (64 – 256)			
Boulders (>256 mm)			
Bedrock			

A minimum of three photographs of the receiving stream shall be provided with this data sheet. The views depicted in these pictures will include the immediate site where the discharge will enter the receiving stream, looking downstream of the immediate site, and looking upstream of the immediate site. If the NOI is being submitted as a hard copy then attach a separate sheet with the pictures attached with appropriate captioning (i.e. include stream name, latitude, longitude, and the view being presented). If the NOI is being submitted in an electronic format (CD or e-mail) attach a separate file containing the pictures with the appropriate captioning as aforementioned.

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Instructions

Stream Name:	Provide stream name as designated on the USGS 7.5 minute topographic map.
Location:	Provide of the nearest road intersection
Station:	Indicate the name of the station being characterized.
Mile Point:	Indicate the stream mile point of the station
Latitude:	Provide the latitude of the station.
Longitude:	Provide the longitude of the station.
County:	Indicate the county
Topo Map:	Provide the quadrangle name of the USGS 7.5 minute topographic map
Date:	Indicate the date of the investigation.
Time:	Indicate the time of the investigation. Check AM or PM
Investigators:	Provide the name of the person or persons performing the characterization.
Weather:	Describe the recent weather conditions.
P-Chem:	Collect and analyze samples of the receiving stream for Temperature, pH and Specific Conductance.
Instream Watershed Features:	Provide dimensions of the characteristics listed.
Local Watershed Features:	Indicate predominant surrounding land use.

Additional instructions can be found at the following web address: http://water.nr.state.ky.us/dow/SOP_Manual.htm

(Attach additional pages as necessary)

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KPDES

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT

PERMIT NO.: KY0107425
AI NO.: 83159

AUTHORIZATION TO DISCHARGE UNDER THE KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to Authority in KRS 224,

McCreary County Park Board
P.O. Box 425
Stearns, Kentucky 42647

is authorized to discharge from a facility located at

McCreary County Park
2255 North U.S. Highway 27
Whitley City, McCreary County, Kentucky

to receiving waters named

Runoff from the construction site enters Barren Fork of Indian Creek at mile point 5.8 through an East side tributary and a West side tributary.

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in PARTS I, II, and III hereof. The permit consists of this cover sheet, and PART I 7 pages, PART II 6 pages, and PART III 3 page.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

Date Signed

Sandra L. Gruzesky, Director
Division of Water

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PERMIT REQUIREMENTS

The permittee shall at all times minimize disturbance and the time the disturbed area is exposed without initiation of stabilization practices. Final stabilization practices on those portions of the project that construction activities have permanently ceased shall be initiated within 14 days of cessation. Temporary stabilization shall be initiated within 14 days on any portion of the project that construction activities have been suspended for more than 30 days. Should suspension of construction activities exceed 180 days, final stabilization shall be initiated within 14 days.

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The function of the project (e.g., box store, strip mall, shopping mall, school, electrical transmission line, oil and natural gas pipeline, factory, industrial park, etc.);

The intended significant activities, presented sequentially, that disturb soil over major portions of the site (e.g., grubbing, excavation, grading); and

Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities, including off-site borrow/fill areas. It may be preferable to separately describe portions of the site, as they are disturbed at different stages of the construction process.

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Legible Site Map

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Include documentation of the storm water control practices that will be implemented to reduce the pollutants in storm water discharges from the site and assure compliance with the conditions of the permit.

Describe the intended sequence of major storm water controls and when, in relation to the construction process, they will be implemented. KYDOW recognizes that many factors can impact the actual construction schedule, so the permittee need not include specific dates (e.g. plan could say install silt fence for area “A” before rough grading, rather than put up silt fences on August 15). Good site planning and preservation of mature vegetation are imperative for controlling pollution in storm water discharges both during and after construction activities. Properly staging major earth disturbing activities can also dramatically decrease the costs of sediment and erosion controls.

Include a description of interim and permanent stabilization practices, including a schedule of their implementation. The permittee should ensure that existing vegetation is preserved wherever possible and that disturbed portions of the site are stabilized as quickly as practicable. Stabilization practices include seeding of temporary vegetation, seeding of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, preservation of trees and mature vegetative buffer strips, and other appropriate measures. Temporary stabilization can be the single most important factor in reducing erosion at construction sites. Stabilization also involves preserving and protecting selected trees on the site prior to development. Mature trees have extensive canopy and root systems, which help to hold soil in place. Shade trees also keep soil from drying rapidly and becoming susceptible to erosion. Measures taken to protect trees can vary significantly, from simple ones such as installing tree armoring and fencing around the drip line, to more complex measures such as building retaining walls and tree wells.

Require that specific construction dates be documented and maintained as a way for the construction operator as well as KYDOW to determine applicability and implementation status of SWPPP requirements. Important dates include when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated.

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Include a description of structures built to divert flows from exposed soils, and store or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Structural controls may be necessary because vegetative controls cannot be employed where soil is continually disturbed and because of the lag time before vegetation becomes effective. Options for such controls include silt fences, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, and reinforced soil retaining systems, gabions and temporary or permanent sediment basins. Placement of structural controls in flood plains should be avoided.

Include a description of the installation of any post-construction storm water management measures. Permittees are responsible only for the installation and maintenance of storm water management measures until final stabilization of the site.

Describe practices employed to reduce pollutants from construction-related materials which are stored on site, including a description of said construction materials (with updates as appropriate) including descriptions of pollutant sources from areas untouched by construction and a description of storm water controls that will be implemented in those areas.

Include manufacturer's specifications for the installation, operation and maintenance of all prefabricated BMP components, e.g. fabric silt fence.

Non-Storm water Discharge Management

The SWPPP shall identify appropriate pollution prevention measures for each of the eligible non-storm water components of the discharge covered by this permit when combined with storm water discharges associated with construction activity. The following are non-storm water discharges associated with construction activities that are authorized under this permit.

Discharges from fire-fighting activities;
Fire hydrant flushing;
Waters used for vehicle washing where detergents are not used;
Water used for dust control;
Potable water including uncontaminated water line flushing;
Routine external building wash down that does not use detergents;
Pavement wash waters where spills or leaks or toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
Landscape irrigation;
Clean, non-turbid well-point discharges of groundwater; and
Construction dewatering provided the requirements of this permit are met.

Maintenance of Storm water Controls

BMPs can become ineffective if they are damaged or not properly maintained and are required to be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance shall be performed before the next storm event. If maintenance before the next storm event is impracticable, maintenance shall be completed as soon as possible. This includes the removal of any accumulated silt from sediment control devices.

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Inspections

Permittees shall inspect designated areas on the site regularly. For purposes of this part, KYDOW defines “regularly” to mean either (1) at least once every 7 calendar days or (2) at least once every 14 calendar days and within 24 hours after any storm event of 0.5 inches or greater. KYDOW also recommends that permittees perform a “walk through” inspection of the construction site before anticipated storm events.

For sites that have undergone stabilization, (temporary or final) inspections shall be conducted at least once a month. Inspections shall be performed by qualified personnel knowledgeable and possess the skills to assess conditions at the construction site that could impact storm water quality and assess the effectiveness of BMPs chosen to control the quality of the storm water discharges.

Visual inspections shall comprise, at a minimum: disturbed areas, areas used for storage of materials exposed to precipitation, BMPs; and points of site egress. Where accessible, discharge points shall be inspected to ascertain whether BMPs are effective in preventing impacts to waters of the Commonwealth. This can be done by inspecting the waters for evidence of erosion or sediment introduction. If discharge points are inaccessible, then nearby downstream locations shall be inspected, if practicable. Inspectors shall determine whether BMPs are effective in preventing impacts to the receiving water and look for evidence of or the potential for pollutants entering the drainage system.

Once an inspection has been performed, a report shall be prepared and retained with the SWPPP. The report should include:

The inspection date;
Name, title, and qualifications of personnel conducting the inspection;
Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection performed) including a best estimate of the beginning of each storm event, the duration of each storm event, and the approximate amount of rainfall for each storm event (in inches);
Weather information and a description of any discharges occurring at the time of the inspection;
Location(s) of discharges of sediment or other pollutants from the site;
Location(s) of BMPs that need to be maintained;
Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and
Location(s) where additional BMPs are needed that did not exist at the time of the inspection.

The report shall also identify any actions taken and shall identify any incidents of non-compliance with permit conditions. If no incidents of non-compliance were found, the report shall contain a certification that the site is in compliance with the permit. Finally, the report shall be signed in accordance with the signatory requirements in 401 KAR 5:065, Section 1(11).

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Maintaining an Updated Plan

Storm water pollution prevention plans shall be revised whenever storm water controls are modified in response to a change in design, construction method, operation, maintenance procedure, etc., that may cause a significant effect on the discharge of pollutants to surface waters or municipal separate storm sewer systems. The plan shall also be amended if inspections or investigations by site staff or by local, state, or federal officials determine that the existing storm water controls are ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site. Also, if an inspection reveals inadequacies, the site description and storm water control measures identified in the SWPPP shall be revised. All necessary modifications to the SWPPP shall be made within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, this situation should be documented in the SWPPP and the changes shall be implemented as soon as practicable.

Signature, Plan Review, and Making Plans Available

A copy of the SWPPP shall be kept at the construction site from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over the plan's implementation shall keep a copy of the plan readily available whenever they are on site (a central location accessible by all on-site operators is sufficient). If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location shall be posted near the main entrance at the construction site. A copy of the SWPPP shall be readily available to authorized inspectors during normal business hours. Permittees shall make SWPPPs available, upon request, to KYDOW, federal, or local agencies approving sediment and erosion plans, grading plans or storm water management plans; local government officials; the operator of a MS4 receiving discharges from the site; and representatives of the FWS or the NMFS. Also, the operator shall make SWPPPs available to KYDOW or its authorized representative for review and copying during any on-site inspection. The SWPPP shall be signed and certified in accordance with the signatory requirements in 401 KAR 5:065, Section 1(11).

Management Practices

Control measures shall be properly selected and installed in accordance with sound engineering practices and relevant manufacturers’ specifications.

Off-site accumulations of sediment shall be regularly removed to minimize impact.

Litter, construction debris, and construction chemicals shall be prevented from entering receiving water.

It is imperative that stabilization be employed as soon as practicable in critical areas. Stabilization measures shall be instituted on disturbed areas as soon as practicable, but no more than 14 days after construction activity has temporarily or permanently ceased on any portion of the site except when construction activities will recommence within 14 days or stabilization is precluded by inclement weather, in such cases stabilization shall begin as soon as practicable.

Enhanced Controls Section of the SWPPP

The SWPPP shall contain a specific section describing what enhanced controls have been implemented. Barren Fork’s stream segment use classification includes a proposal for Outstanding State Resource Water. Enhanced controls are required to adequately minimize any degradation of these types of waters.

Stream Characteristics Data Sheets

The permittee shall establish background conditions of each water body that receives storm water runoff from the construction activity (e.g., the East side tributary and the West side tributary) shall be characterized by data collection at a minimum of three locations prior to recommencement of activities. At each location, a Stream Characteristics Data Sheet shall be completed. Photographs of the receiving stream at each location shall be provided. At least three photographs per location shall be provide, one of the site, one looking downstream, and one looking upstream.

In-stream Treatment or Disposal Facilities

This permit does not authorize the construction or use of in-stream treatment or disposal facilities (rock checks, sediment ponds, hollow fills, valley fills, etc.). Such authorization is within the jurisdiction of the Corps of Engineers (COE) and is implemented through the Section 404 permitting program of the Clean Water Act. Since the COE is a federal agency, this permitting action requires the issuance of a Section 401 Water Quality Certification by the KYDOW. This certification shall be obtained on a site-specific basis as the Division of Water does not recognize the COE Nationwide Permits for areas that impact more than 200 linear feet of stream or one (1) acre of wetlands. The conditions of this certification are to be incorporated into the Best Management Practices (BMP) Plan.

KYDOW Compliance Inspection Criteria for Evaluation of BMPs and SWPPP

The following criteria shall be utilized by KYDOW personnel in evaluating the pollution control measures employed by the permittee. Should any of these conditions exist then the permittee shall reevaluate the installed BMPs and the SWPPP and submit to the appropriate KYDOW a revised SWPPP documenting the reevaluation and measures taken to alleviate the condition.

If the settleable solids content at any point source or non-point source, from the construction activity is greater than of 0.5 ml/l KYDOW shall consider the BMPs and SWPPP to be ineffective.

If the selected BMPs have been installed in accordance with the manufacturer’s specifications. KYDOW personnel shall utilize the information contained in the SWPPP regarding the proper installation of BMPs. If the SWPPP does not contain such information then the installed BMPs and SWPPP shall be considered to be ineffective.

In regards to proper maintenance, if the capacity of installed sediment controls have been reduced by 50 percent, e.g. the height of the accumulated silt retained by a silt fence exceeds 50 percent of the height of the above ground silt fence, KYDOW shall consider the BMPs to be improperly maintained and ineffective.

The installed BMPs and SWPPP shall be considered ineffective if degradation of the conditions documented on the Stream Characteristics Data Sheet has occurred.
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B. Schedule of Compliance

The permittee shall achieve compliance with all requirements on the effective date of this permit.

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STANDARD CONDITIONS FOR KPDES PERMIT

The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this permit.

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

(1) Duty to comply.

(a) General requirement.
The permittee shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of KRS Chapter 224, among which shall be the following remedies: enforcement action, permit revocation, revocation and reissuance, or modification; or denial of a permit renewal application.

(b) Specific duties.
1. The permittee shall comply with effluent standards or prohibitions established under 40 CFR Part 129 as of July 1, 2001, as adopted without change, within the time provided in the federal regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
2. Any person who violates a permit condition as set forth in the KPDES administrative regulations shall be subject to penalties under KRS 224.99-010(1) and (4).

(2) Duty to reapply.
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit as required in 401 KAR 5:060, Section 1.

(3) Need to halt or reduce activity not a defense.
It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) Duty to mitigate.
The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

(5) Proper operation and maintenance.
The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also shall include adequate laboratory controls, and appropriate quality assurance procedures. This provision shall require the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only if the operation is necessary to achieve compliance with the conditions of the permit.

(6) Permit actions.
The permit may be modified, revoked and reissued, or revoked for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, shall

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shall not stay any permit condition.

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(7) Property rights.
This permit shall not convey any property rights of any kind, or any exclusive privilege.

(8) Duty to provide information.
The permittee shall furnish to the cabinet, within a reasonable time, any information that the cabinet may request to determine whether cause exists for modifying, revoking and reissuing, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the cabinet, upon request, copies of records required to be kept by this permit.

(9) Inspection and entry.
The permittee shall allow the cabinet, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records pertinent to the KPDES program are or may be kept;
(b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;
(c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this permit; and
(d) Sample or monitor at reasonable times, for the purposes of assuring KPDES program compliance or as otherwise authorized by KRS Chapter 224, any substances or parameters at any location.

(10) Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
(b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the cabinet at any time.
(c) Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
2. The individuals who performed the sampling or measurements;
3. The dates analyses were performed;
4. The individuals who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of the analyses.
(d) Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.
(e) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the permit shall, upon conviction, be subject to penalties under KRS 224.99-010(4).

(11) Signatory requirement.
All applications, reports, or information submitted to the cabinet shall be signed and certified as indicated in 401 KAR 5:060, Section 9. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties under KRS 224.99-010(4).

(12) Reporting requirements.

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(a) Planned changes.
The permittee shall give notice to the cabinet as soon as possible of any planned physical alteration or additions to the permitted facility. Notice shall be required only if:
1. The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in 401 KAR 5:080, Section 5; or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification only applies to pollutants that are subject either to effluent limitations in the permit, or to notification requirements under 401 KAR 5:080, Section 5.

(b) Anticipated noncompliance.
The permittee shall give advance notice to the cabinet of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

(c) Transfers.
The permit shall not be transferable to any person except after notice to the cabinet. The cabinet may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate other requirements as may be necessary under KRS Chapter 224.

(d) Monitoring reports.
Monitoring results shall be reported at the intervals specified in the permit. Monitoring results shall be reported as follows:
1. Monitoring results shall be reported on a Discharge Monitoring Report (DMR).
2. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
3. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the cabinet in the permit.

(e) Compliance schedules.
Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

(f) Twenty-four (24) hour reporting.
The permittee shall follow the provisions of 401 KAR 5:015 and shall orally report any noncompliance which may endanger health or the environment, within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. This report shall be in addition to and not in lieu of any other reporting requirement applicable to the noncompliance. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The cabinet may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours. The following shall be included as events that shall be reported within twenty-four (24) hours:
1. Any unanticipated bypass that exceeds any effluent limitation in the permit, as indicated in subsection (13) of this section.
2. Any upset which exceeds any effluent limitation in the permit.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the cabinet in the permit to be reported within twenty-four (24) hours, as indicated in Section 2(7) of this administrative regulation.

(g) Other noncompliance.
The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this subsection, when monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this subsection.

(h) Other information.
Where the permittee becomes aware that it failed to submit any relevant fact in a permit application, or submitted incorrect information in a permit application or in any report to the cabinet, it shall promptly submit these facts or information.

(13) Occurrence of a bypass.

(a) Bypass not exceeding limitations.
The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. This type of bypass shall not be subject to the provisions of paragraphs (b) and (c) of this subsection.

(b) Notice.

1. Anticipated bypass.
If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 1.
2. Unanticipated bypass.
The permittee shall submit notice of an unanticipated bypass as required in subsection (12)(f) of this section, twenty-four (24) hour notice. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 4.

(c) Prohibition of a bypass.
1. Bypassing shall be prohibited, and the cabinet may take enforcement action against a permittee for bypass, unless:
a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition shall not be satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
c. The permittee submitted notices as required under paragraph (b) of this subsection.

2. The cabinet may approve an anticipated bypass, after considering its adverse effects, if the cabinet determines that it will meet the three (3) conditions listed in subparagraph 1a, b, and c of this paragraph.

(14) Occurrence of an upset.

(a) Effect of an upset.
An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of paragraph (b) of this subsection are met.

(b) Conditions necessary for a demonstration of an upset.
A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that the permittee can identify the causes of the upset;

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2. The permitted facility was at the time being properly operated;
3. The permittee submitted notice of the upset as required in subsection (12)(f) of this section; and
4. The permittee complied with any remedial measures required under subsection (4) of this section.

(c) Burden of proof.
In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset shall have the burden of proof.

(15) Additional conditions applicable to specified categories of KPDES permits.
The following conditions, in addition to others set forth in this administrative regulation, shall apply to all KPDES permits within the categories specified below:

(a) Existing manufacturing, commercial, mining, and silvicultural dischargers.
In addition to the reporting requirements under subsections (12), (13), and (14) of this section, any existing manufacturing, commercial, mining, and silvicultural discharger shall notify the cabinet as soon as it knows or has reason to know:
1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
a. 100 micrograms per liter (100 μg/l);
b. 200 micrograms per liter (200 μg/l) for acrolein and acrylonitrile; 500 micrograms per liter (500 μg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one (1) milligram per liter (1 mg/1) for antimony;
c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 401 KAR 5:060, Section 2(7);
d. The level established by the cabinet in accordance with Section 2(6) of this administrative regulation.
2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
a. 500 micrograms per liter (500 μg/l);
b. One (1) milligram per liter (1 mg/l) for antimony;
c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 401 KAR 5:060, Section 2(7); or
d. The level established by the cabinet in accordance with Section 2(6) of this administrative regulation.

(b) POTWs.
1. POTWs shall provide adequate notice to the cabinet of the following:
a. Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to the KPDES administrative regulations if it were directly discharging those pollutants; or
b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
2. For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTWs and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PART III

OTHER REQUIREMENTS

Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:086, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

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Stream Characteristics Data Sheet

STREAM NAME:		**LOCATION:**	
STATION:	**MILE POINT:**	**Basin/Watershed:**	
LATITUDE:	**LONGITUDE:**	**County:**	**TOPO MAP:**
DATE:	**TIME:** ☐ **AM** ☐ **PM**	**Investigators:**	

WEATHER:

Now	Past 24Hours		
☐	☐	Heavy Rain	Has there been a heavy rain in the last 7 days? ☐ Yes ☐ No
☐	☐	Steady Rain	Air Temperature °C
☐	☐	Intermittent Showers	Rainfall in past 24 hours inches
☐	☐	Clear/sunny	Cloud Cover %

P-Chem Features: Temperature °C pH Standard Units Specific Conductance mho/cm

INSTREAM WATERSHED FEATURES:

Stream width: _____ ft
Range of depth: _____ ft
Average Velocity: _____ ft/s
Discharge: _____ cfs
Estimated Reach Length: _____ ft

Hydraulic Structures:

☐ Dams ☐ Bridge Abutments
☐ Island ☐ Waterfalls
☐ Other

Channel Alterations:

☐ Dredging
☐ Channelization ☐ Full ☐ Partial

Stream Flow:

☐ Dry ☐ Pooled ☐ Low ☐ Normal
☐ High ☐ Very Rapid or Torrential

Stream Type:

☐ Perennial ☐ Intermittent
☐ Ephemeral ☐ Seep

LOCAL WATERSHED FEATURES:

Predominant Surrounding Land Use

☐ Surface Mining ☐ Construction ☐ Forest
☐ Deep Mining ☐ Commercial ☐ Pasture/ Grazing
☐ Oil Wells ☐ Industrial ☐ Silviculture
☐ Land Disposal ☐ Row Crops ☐ Urban Runoff/ Storm Sewers

Riparian Vegetation:

Dominate Type

☐ Trees ☐ Shrubs
☐ Grasses ☐ Herbaceous

Dom. Tree/Shrub Taxa

_____ _____

Number of strata _____

Canopy Cover:

☐ Fully Exposed (0 – 25%)
☐ Partially Exposed (25 – 50%)
☐ Partially Shaded (50 – 75%)
☐ Fully Shaded (75 – 100%)

Substrate (Estimated)	Riffle %	Run %	Pool %
Silt/Clay (<0.06 mm)			
Sand (0.06 – 2 mm)			
Gravel (2 – 64 mm)			
Cobble (64 – 256)			
Boulders (>256 mm)			
Bedrock			

A minimum of three photographs of the receiving stream shall be provided with this data sheet. The views depicted in these pictures will include the immediate site where the discharge will enter the receiving stream, looking downstream of the immediate site, and looking upstream of the immediate site. If the NOI is being submitted as a hard copy then attach a separate sheet with the pictures attached with appropriate captioning (i.e. include stream name, latitude, longitude, and the view being presented). If the NOI is being submitted in an electronic format (CD or e-mail) attach a separate file containing the pictures with the appropriate captioning as aforementioned.

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Instructions

Stream Name:	Provide stream name as designated on the USGS 7.5 minute topographic map.
Location:	Provide of the nearest road intersection
Station:	Indicate the name of the station being characterized.
Mile Point:	Indicate the stream mile point of the station
Latitude:	Provide the latitude of the station.
Longitude:	Provide the longitude of the station.
County:	Indicate the county
Topo Map:	Provide the quadrangle name of the USGS 7.5 minute topographic map
Date:	Indicate the date of the investigation.
Time:	Indicate the time of the investigation. Check AM or PM
Investigators:	Provide the name of the person or persons performing the characterization.
Weather:	Describe the recent weather conditions.
P-Chem:	Collect and analyze samples of the receiving stream for Temperature, pH and Specific Conductance.
Instream Watershed Features:	Provide dimensions of the characteristics listed.
Local Watershed Features:	Indicate predominant surrounding land use.

Additional instructions can be found at the following web address: http://water.nr.state.ky.us/dow/SOP_Manual.htm

(Attach additional pages as necessary)

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